

United States District Court
Eastern District of California

Jeffrey Marshall,

Plaintiff,

vs.

Solano County Sheriff, et al.,

Defendants.

No. Civ. S 04-1657 DFL PAN P

Order

-oOo-

Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, the following provisions shall govern discovery in this action.

1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 5-135 and shall be filed only when required by Local Rules 30-250(a), 33-250(c), 34-250(c) and 36-250(c).

2. Responses to written discovery requests shall be due 45 days after the request is served.

1 3. Defendants may examine at deposition plaintiff and any
2 other prisoner provided that at least 14 days before such
3 examination, defendants serve all parties with the notice
4 required by Fed. R. Civ. P. 30(b)(1).

5 4. If disputes arise about the parties' discovery
6 obligations, the parties shall comply with Rules 5, 7, 11, 26,
7 and 37 of the Federal Rules of Civil Procedure and Rules 5-134,
8 5-135, 6-136, 7-130, 7-131, 7-132, 11-110, 43-140, and 78-230(m)
9 of the Local Rules of Practice for the United States District
10 Court, Eastern District of California. Unless otherwise ordered,
11 Local Rule 37-251 shall not apply.

12 5. Filing a discovery motion that does not comply with all
13 applicable rules may result in imposition of sanctions including
14 but not limited to denial of the motion.

15 6. Good cause appearing, the July 7, 2005, findings and
16 recommendations are vacated. Defendants Cullinson, Castro,
17 Molloy and Headley answered August 12, 2005. Plaintiff must
18 ensure defendants Solano County Sheriff, Purcells, Sheppard,
19 Cullison and Pettaway are served, and has a duty to prosecute
20 this action against all defendants.

21 7. Plaintiff's August 15, 2005, motion for extension of

22 ///

23 ///

24 ///

25 ///

26 ///

1 time to gather discovery and August 16, 2005, motion for
2 discovery are moot in light of this order.

3 So ordered.

4 Dated: August 23, 2005.

5 /s/ Peter A. Nowinski

6 PETER A. NOWINSKI

7 Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26